

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

OPERATING ENGINEERS LOCAL NO. 147)
HEALTH FUND and OPERATING ENGINEERS)
LOCAL NO. 147 ANNUITY FUND,)
)
Plaintiffs,) Civil Action No. 3:09-0027
)
)
v.) *Judge Echols*
) *Magistrate Judge Griffin*
TESTA CORP.,)
)
Defendant.)

ORDER

Pending before the Court is Plaintiff's Motion to cancel a show cause hearing set for September 28, 2009, and to dismiss this civil action without prejudice. The Court is of the opinion the motion should be granted, and the show cause hearing is cancelled.

This civil action is dismissed without prejudice.

The Clerk is directed to ~~administratively close this action and mail a copy of this order to~~ Plaintiff, c/o Steven Testa, 360 Audubon Road, Wakefield, MA 01880.

IT IS SO ORDERED.


ROBERT L. ECHOLS
United States District Judge

APPROVED FOR ENTRY:

s/R. Jan Jennings

R. Jan Jennings, BPR No. 1536
Branstetter, Stranch & Jennings, PLLC
227 Second Avenue North, 4th Floor
Nashville, TN 37201-1631
Tel.: (615) 254-8801

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing has been served via United States First Class Mail with adequate postage affixed thereon to the following:

Steven Testa
Testa Corp.
360 Audubon Road
Wakefield, MA 01880

This 28th day of September, 2009.

s/R. Jan Jennings
R. Jan Jennings